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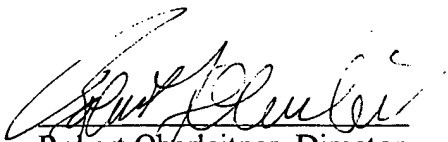
In re Application of  
Gary Johnson  
Serial No: 10/021,656  
Filed: December 12, 2001  
For: JOHNSON-POSITIVE ACTION CONTINUOUS  
TRACTION (P.A.C.T.) VEHICLE DIFFERENTIAL

: SUA SPONTE  
: WITHDRAWAL OF  
: HOLDING OF  
: ABANDONMENT

A review of the above application reveals that a Decision on Petition under 37 CFR 1.181 was mailed May 14, 2004 vacating the final rejection of October 16, 2003, refunding the fee for the Notice of Appeal and directing that a Notice of Non-Compliant Amendment be mailed for the amendments filed July 31, 2003 and March 16, 2004. A Notice of Non-Compliant Amendment was mailed June 10, 2004. An amendment was filed June 30, 2004. A Failure to Acceptably Respond to Notice of Non-Compliant Amendment was mailed November 3, 2004 with no new time period for reply provided. Another amendment was filed November 12, 2004. Another Failure to Acceptably Respond to Notice of Non-Compliant Amendment was mailed December 3, 2004 with no new time period for reply provided.

Since the time period set in the June 10, 2004 Notice of Non-Compliant Amendment and all allowable extensions of time have passed without a proper response being filed, the application is technically abandoned. However, a review of the June 10, 2004 Notice of Non-Compliant Amendment shows that the May 14, 2004 Decision on Petition was not followed. The June 10, 2004 Notice only referred to the July 31, 2003 amendment and the March 16, 2004 amendment was never acted on as directed by the decision.

Therefore the June 10, 2004 Notice of Non-Compliant Amendment was improper and is hereby vacated. The application will be forwarded to the Supervisory Legal Instruments Examiner to vacate the Notice of Non-Compliant Amendment mailed June 10, 2004 and provide a complete Notice of Non-Compliant Amendment for the amendments applicant has filed July 31, 2003, March 16, 2004, June 30, 2004 and November 12, 2004.

  
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